IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Writ Petition No.2212 of 2006

Mr.Bhaskar N. Joshi — Petitioner
Vs.
Mr.Sharad K. Deshpande & anr. — Respondents

Mr.P.M.Jadhav for petitioner.
Mr.A.S.Shitole, APP for State.

CORAM: B.H.MARLAPALLE, J.

August 31, 2007.

P.C.

. Heard Mr.Jadhav, the learned counsel for the petitioner who is an accused in CC No.31378 of 2005 filed under Section 138 of the Negotiable Instruments Act, 1881. In this petition he prays for quashing of the proceedings in the said complaint and mainly on two grounds, (a) that there is no legally enforceable debt or other liability with the petitioner in regard to the dishonoured cheque and (b) the complainant is a money lender. It was also tried to be submitted that the complainant himself has made statements in writing that the accused does not owe any amount.

. These are all the matters which will have to be examined on the basis of the evidence that may be adduced before the trial Court during the trial of

the complaint and the complainant has to discharge his burden under Section 138 of the Negotiable Instruments Act. It is not in dispute that the trial of the complaint has started and the statement of the accused under Section 313 of Cr.P.C. has been recorded. Hence there is no case made out to cause interference by invoking the powers under Section 482 of Cr.P.C. and quash and set aside the proceedings as such.

. The petition is, therefore, rejected summarily and the trial of the complaint is hereby expedited.

(B.H.MARL